

REMARKS

Claims 1-18 are pending in this application.

Claims 1-5, 7, 14-16 and 18 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,986,510 to Bellamy et al. The rejections are respectfully traversed.

The Bellamy et al. reference discloses a hydraulic antivibratory device including a valve 8 mounted between two flat and parallel perforated grids or plates 9, 10, as shown in Figs. 1-3. Assuming, only for the sake of argument, that the valve 8 qualifies as a “diaphragm,” as required by the pending claims of the present application, the Examiner’s anticipation argument still must fail because the valve 8 is not “generally planar” and does not include “an enlarged central node.” Rather, the valve 8 is cambered (i.e., not planar) and the camber is continuous across the length of the valve (i.e., there is no node).

It is axiomatic that anticipation under § 102(b) is established only if each and every limitation of a patent claim identically appears in a single prior art reference. *See Gechter v. Davidson*, 116 F.3d 1454, 1457 (Fed. Cir. 1997). Inasmuch as the Bellamy et al. reference fails to teach “a generally planar diaphragm having an enlarged central node,” the Bellamy et al. reference cannot, as a matter of law, anticipate the pending claims of the present application. Withdrawal of the rejections of claims 1-5, 7, 14-16 and 18 under § 102(b) in view of the Bellamy et al. reference is respectfully requested.

Claims 1-3 and 7 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,505,822 to Yamamoto et al. The rejections are respectfully traversed.

As previously argued, claims 1-3 and 7 require that the periphery of the diaphragm is “spaced apart from at least one of the upper or lower orifice plates.” The Yamamoto et al. references does not teach such a structure and, therefore, cannot, as a matter of law, anticipate claims 1-3 and 7 of the present application. Withdrawal of the rejections of claims 1-3 and 7 under § 102(e) is respectfully requested.

Claims 6, 8-13 and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the Bellamy et al. reference in view of U.S. Patent No. 5,104,100 to Simuttis. The rejections are respectfully traversed.

The Simuttis reference discloses a rubber mount with hydraulic damping including a partition 3, as shown in Fig. 1. Assuming, only for the sake of argument, that the partition 3

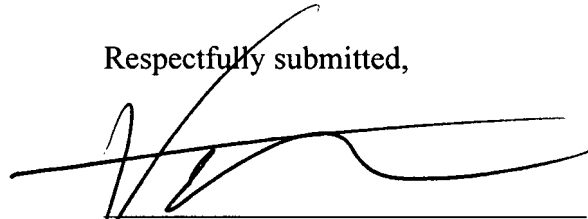
qualifies as a “diaphragm,” as required by the pending claims of the present application, the Simuttis reference still falls short because the partition 3 does not include “an enlarged central node.” Rather, and to the contrary, the partition 3 includes a central depression (see slit 7 in Fig. 1).

Thus, the combination of the Bellamy et al. and Simuttis references fails to teach “a generally planar diaphragm having an enlarged central node” and, therefore, cannot, as a matter of law, render claims 6, 8-13 and 17 obvious. Withdrawal of the rejections of claims 6, 8-13 and 17 under § 103(a) is respectfully requested.

Accordingly, it is submitted that the claims of the present application are in condition for allowance and formal notice thereof is respectfully requested.

The Commissioner is hereby authorized to treat any paper that is filed in this application, which requires an extension of time, as incorporating a request for such an extension. (37 C.F.R. § 1.136(a)(3).) The Commissioner is further authorized to charge any fees required by this paper or to credit any overpayment to Deposit Account No. 20-0809.

Respectfully submitted,



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